

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL ARCHER,

Petitioner,

vs.

Case No. 2:04-cv-244

Crim. No. 2:99-cr-035

Judge Smith

Magistrate Judge King

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

This matter is before the Court on petitioner's July 19, 2005, motion for reconsideration of this Court's July 18, 2005, order denying his May 18, 2005, and July 6, 2005, motions for relief from this Court's final judgment dismissing this action without objections, and denying his request for a certificate of appealability on that same basis. Doc. No. 98.

Petitioner again argues that relief from judgment is warranted based upon counsel's mistaken belief that objections had been filed, although they had not been, with the Clerk's electronic filing system. *See Motion to Reconsider*. This Court previously indicated that it would be willing to grant petitioner's requests for relief from judgment, should the United States Court of Appeals for the Sixth Circuit remand this case for consideration of petitioner's motions. *Opinion and Order*, July 18, 2005, Doc. No. 97. Because petitioner has already filed a notice of appeal and a request for a certificate of appealability in this action, this Court no longer has jurisdiction to grant petitioner's requests at this time.

In view of the foregoing, petitioner's motion for reconsideration is **DENIED**.

IT IS SO ORDERED.

s/ George C. Smith
GEORGE C. SMITH
United States District Judge